

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ANNA KATRINA ONGSANOSOY
1352 Otterbein Ave
Rowland Heights, CA 91748

Respondent

Case No. 2007-214

OAH No. L-2008070335

DEFAULT DECISION AND ORDER

IT IS SO ORDERED that the application of Respondent ANNA KATRINA ONGSANOSOY is hereby denied.

This Decision shall become effective on July 23, 2009.

IT IS SO ORDERED June 23, 2009

Ansanne Phillips, MSN, RN, FNP-BC

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:
12 ANNA KATRINA ONGSANSOY
13 1352 Otterbein Avenue
Rowland heights, CA 91748
14 Respondent.

Case No. 2007-214
OAH No. L-2008070335
**DEFAULT DECISION
AND ORDER**
[Gov. Code, § 11520]

15
16 FINDINGS OF FACT

- 17 1. On or about February 20, 2007, Complainant Ruth Ann Terry, M.P.H, R.N., in her
18 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), filed
19 Statement of Issues No. 2007-214 against ANNA KATRINA ONGSANSOY ("Respondent")
20 before the Board.
- 21 2. On or about August 12, 2005, Respondent filed an application dated
22 August 8, 2005, with the Board for Licensure By Examination as a Registered Nurse.
- 23 3. On or about January 6, 2006, the Board issued a letter denying
24 Respondent's application for Licensure By Examination as a Registered Nurse. On or about
25 January 12, 2006, Respondent appealed the Board's denial of her application and requested a
26 hearing.
- 27 4. On or about February 27, 2007, Teresa Sutton, an employee of the
28 Department of Justice, served by Certified and First Class Mail a copy of Statement of Issues No.

1 2007-214, a Statement to Respondent, a Request for Discovery, and Government Code sections
2 11507.5, 11507.6, and 11507.7 to Respondent's address on the application form, which was and
3 is 1352 Otterbein Avenue, Rowland Heights, California 91748. A copy of the Statement of
4 Issues is attached as Exhibit A, and is incorporated herein by reference.

5 5. Service of the Statement of Issues was effective as a matter of law under
6 the provisions of Government Code section 11505, subdivision (c).

7 6. On or about January 12, 2006, Respondent appealed the denial of her
8 application and requested a hearing in this action. A Notice of Hearing was served by mail at
9 Respondent's address on the application and it informed her that an administrative hearing in this
10 matter was scheduled for October 24, 2008. Respondent failed to appear at that hearing.

11 7. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the
13 respondent files a notice of defense, and the notice shall be deemed a specific
14 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

15 8. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at
17 the hearing, the agency may take action based upon the respondent's express
18 admissions or upon other evidence and affidavits may be used as evidence without
19 any notice to respondent; and where the burden of proof is on the respondent to
establish that the respondent is entitled to the agency action sought, the agency
may act without taking evidence.

20 9. Pursuant to its authority under Government Code section 11520, the Board
21 finds Respondent is in default. The Board will take action without further hearing and, based on
22 evidence on file herein, finds that the allegations, in Statement of Issues No. 2007-214 are true.

23 DETERMINATION OF ISSUES

24 1. Based on the foregoing findings of fact, Respondent ANNA KATRINA
25 ONGSANSOY has subjected her application for Licensure by Examination as a Registered
26 Nurse to denial.

27 2. Service of Statement of Issues No. 2007-214 and related documents was
28 proper and in accordance with the law.

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3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to deny Respondent's application for licensure based upon the following violations of the Business & Professions Code alleged in the Statement of Issues:

- a. Section 2761(f) and 480(a)(1), conviction of a substantially related crime;
- b. Section 480(a)(3), acts which would constitute grounds for discipline against a licensed nurse; and
- c. Section 2761(a)(d), self-administration of a controlled substance.

ORDER

IT IS SO ORDERED that the application of Respondent ANNA KATRINA ONGSANSOY is hereby denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on _____.

It is so ORDERED _____

FOR THE BOARD OF REGISTERED NURSING

Attachment:

Exhibit A: Statement of Issues No.2007-214

DOJ docket number:LA2006600307
60389751.wpd

Exhibit A
Statement of Issues No. 2007-214

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:
12 ANNA KATRINA ONGSANSOY
13 1352 Otterbein Avenue
Rowland Heights, California 91748
14
15 Respondent.

Case No. 2007-214

STATEMENT OF ISSUES

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
19 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about August 10, 2005, the Board of Registered Nursing,
22 Department of Consumer Affairs received an application for an Application for a Licensure by
23 Examination as a Registered Nurse from Anna Katrina Ongsansoy (Respondent). On or about
24 August 8, 2005, Respondent certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board of Registered Nursing
26 denied the application on
27 January 6, 2006.

28 ///

1 the denial of a license under subdivision (a) of Section 482."

2 6. Section 2761 of the Code states:

3 "The board may take disciplinary action against a certified or licensed nurse or
4 deny an application for a certificate or license for any of the following:

5 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

6 ...

7 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
8 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
9 Nursing Practice Act] or regulations adopted pursuant to it.

10 ...

11 "(f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of the
13 conviction shall be conclusive evidence thereof."

14 7. Health and Safety Code section 11170 states:

15 "No one shall prescribe, administer, or furnish a controlled substance for himself."

16 8. CONTROLLED SUBSTANCE

17 a. Cocaine is a Schedule II controlled substance as designated by Health and
18 Safety Code section 11055(b)(6), and is categorized as a dangerous drug pursuant to section 4022
19 of the Code.

20 **FIRST CAUSE FOR DENIAL OF APPLICATION**

21 **(Conviction of Substantially Related Crimes)**

22 9. Respondent's application is subject to denial under sections 2761,
23 subdivision (f) and 480, subdivision (a)(1), in that Respondent was convicted of substantially
24 related crimes. The circumstances are as follows:

25 a. On or about October 30, 2006, Respondent was convicted on a plea of
26 guilty to one count of violating Health and Safety Code section 11550(a), a misdemeanor (under
27 the influence of a controlled substance) and one count of violating Health and Safety Code
28 section 11350(a), a felony (possession of a controlled substance), in the Superior Court of the

1 State of California, County of Orange, Harbor Justice Center, Newport Beach Facility, Case No.
2 06HF1078, entitled *The People of the State of California v. Anna Katrina Ongsansoy*.

3 b. The circumstances surrounding the conviction are that on or about June
4 11, 2006, Costa Mesa Police officers initiated a traffic stop for expired registration. The officers
5 determined that three of the passengers displayed symptoms of being under the influence of a
6 controlled substance. A search of Respondent's purse revealed that Respondent was in
7 possession of a mirror with Cocaine residue. The Orange County Sheriff-Coroner Department
8 administered a toxicological blood examination which revealed that Respondent tested positive
9 for Cocaine.

10 c. On or about January 30, 2004, Respondent was convicted on a plea of
11 guilty to one count of violating Penal Code section 459-460(b), a felony (burglary, second degree
12 - commercial structure), in the Superior Court of the State of California, County of Orange,
13 Central Justice Center, Case No. 03WF0251, entitled *The People of the State of California v.*
14 *Anna Katrina Ongsansoy*.

15 d. The circumstances surrounding the conviction are that on or about
16 September 24, 2002, Westminster Police officers were dispatched to a robbery call at a jewelry
17 store. Respondent, who initially posed as a victim of the robbery, later admitted to being
18 involved in the conspiracy to rob the jewelry store of two diamond rings valued at \$57,000.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Acts Which Would Constitute Grounds for Discipline Against a Licensee)**

21 10. Respondent's application is subject to denial under section 480,
22 subdivision (a)(3), in that Respondent has committed acts which, if committed by a licensed
23 registered nurse would grounds for suspension or revocation of the license, as more fully set forth
24 in paragraph 9, above.

25 **THIRD CAUSE FOR DENIAL OF APPLICATION**

26 **(Self-Administration of a Controlled Substance)**

27 11. Respondent's application is subject to denial under sections 2761,
28 subdivisions (a) and (d), on the grounds of unprofessional conduct, for violation of Health and

1 Safety Code section 11170, in that Respondent administered and furnished to herself a Schedule
2 II controlled substance, Cocaine, as more fully set forth in paragraph 9, above.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Denying the application of Anna Katrina Ongsansoy for a Registered
7 Nurse License.
8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: 2/20/07

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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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